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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of : WALLACK et al
Serial No. : 09/691,504
Filing Date : October 18, 2000
For : MELANOMA VACCINE AND METHODS OF MAKING
AND USING SAME
Examiner : Anne M. Beckerleg

Group Art Unit : 1632

I hereby certify that the correspondence to be furnished with
the United States Patent Office in this case will be addressed
to: Assistant Commissioner for Patents,
D.C. 20591, on

Date 5/28/02

Attn: Signature

Douglas J. Lee, Esq.

KENYON & KENYON

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In a Restriction Requirement mailed March 26, 2002 in the
above-identified patent application, the Examiner required
election under 35 U.S.C. § 121. Specifically, the Examiner
states that election must be made to one of the following
groups of claims:

I. Claims 1-17 and 54, drawn to antigen
presenting cells infected with a vaccinia virus
encoding an immunostimulatory molecule and methods
of using said cells, classified in classes 435 and
424, subclasses 325 and 93.2 respectively.

II. Claims 18-38 and 55-107, drawn to
composition of vaccinia virus encoding a first
immunostimulatory molecule and cells infected with
vaccinia virus encoding a second immunostimulatory
molecule, and methods of using said composition,
classified in classes 435 and 514, subclasses 320, 325 and 44.

III. Claims 1-17 and 39-53, drawn to antigen presenting cells infected with a vaccinia virus encoding an immunostimulatory molecule and methods of making said cells, classified in class 435, subclasses 320.1 and 325.

Applicants hereby provisionally elect, with traverse, the claims of Group II, Claims 18-38 and 55-107. This election is made with traverse because even though the claims of groups I, II and III are considered patentably distinct from one another, it is believed that the claims are sufficiently related to be properly presented in a single application.

Respectfully submitted,

Deborah A. Somerville *by: Mary C. Werner*
Deborah A. Somerville Reg. No. 30,333
Reg. No. 31,995

Date: May 28, 2002



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PATENT TRADEMARK OFFICE

KENYON & KENYON
One Broadway
New York, New York 10004
Telephone: (212) 425-7200
Facsimile: (212) 425-5288



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I hereby certify that this correspondence is being mailed
United States Postal Service as first class mail
Correspondence to: Assistant Commissioner for Patents
1100 10231, on
Date 5/28/02
Signature Catherine E. Edmund
KENYON & KENYON

TRANSMITTAL OF RESPONSE

We are enclosing herewith a response to the Restriction Requirement mailed March 26, 2002.

Applicants request herewith a two month extension of time to respond to the Restriction Requirement mailed March 26, 2002, resetting the response date to May 28, 2002 (May 26, 2002 was a Sunday and May 27, 2002 was a Federal holiday). The extension fee of \$200.00 and any additional fees should be charged to Kenyon & Kenyon, Deposit Account No. 11-0600.

Date: May 28, 2002

Respectfully submitted,

deborah A. Somerville
Deborah A. Somerville *By: Mary C. Weener*
Reg. No. 31,995 *Reg. No. 30,333*



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KENYON & KENYON
One Broadway
New York, New York 10004

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